

**HOOKSETT  
ZONING BOARD OF ADJUSTMENT  
MINUTES  
August 08, 2006**

**HOOKSETT MUNICIPAL BUILDING**

**CALL MEETING TO ORDER**

Tracy Murphy Roche called the meeting to order at 7:00 pm.

**INTRODUCE MEMBERS OF THE BOARD**

Tracy Murphy Roche, Chris Pearson, Dick Johnston, Ronald Savoie, Larry Abruzzesa, Roger Duhaime, David Boutin, James Gorton

**CONTINUED PUBLIC HEARINGS**

**HOOKSETT TOP CHOICE BUILDERS**

**99 Mammoth Rd, Map 41, Lot 36**

**Special Exception from Article 18 Section E to allow two 12-unit buildings that impact wetlands**

Babar Khan:

There were two issues that board wanted to clarify, one being a recommendation by the Conservation Commission. They responded and said that they were in favor of the project, however, the commission request that Concord Engineering further research alternatives to minimize water runoff. The second thing was the board wanted the town engineers input. We met with the town engineer, we also corresponded with the Conservation Commission and we came up with a couple of ideas which addressed their comments regarding runoff. One is to use infiltration basin in front of the building, to ease runoff from the roof. Roof runoff is cleaner and would go right to the ground and would not run off site. The second idea, if you look at the previous plan, we were running a pipe from here to the detention basin. If we took that out and instead we have put a rip-rap lined ditch and some check dams, the idea would be to store the water at this point. We have five check dams along this rip-rap lined ditch. Those were the two ideas that we incorporated in the design. We went over this with the town engineer and there is a memo from them regarding this plan, see file. There is also a memo from the Conservation Commission with regards to that plan, see file. We also slightly modified alignment of road to reduce impact by a couple hundred sq ft. Now our impact is 9767 sq ft instead 9945 sq ft.

Roger Duhaime: Will there be gutters on both buildings that will go into this infiltration system?

Barbar Kahn: Yes on both buildings

Tracy Murphy Roche: What is the total Impact?

Barbar Kahn: Right now we have 9967 sq ft, it was 9945

Ron Savoie: One question when we did the site walk was the amount of water coming down the driveway and possibly going across Mammoth Road or at least causing a problem for the people on the other side of the road. Has that been addressed?

Babar Kahn: Yes it has, we have an underground detention facility at the end of the road. It will take that water and hold it and gradually release it. In the analysis, we made sure out pre and post flow that the post is less than the pre flow. The peak flow will be less water than we have now. It will be held in an underground stone detention.

Ron Savoie: How large are they?

Babar Kahn: This one is 90X16X3 and it has 42 chambers

Chris Pearson: Is it rated for the 100 year storm?

Babar Kahn: Yes, we did an analysis for 10, 25 and 100.

Chris Pearson: There is a lot of concern with run off on site, and there have been a lot of issues. We heard when we went on the site walk that when the site was cut, the neighbors were having water, ice and snow problems. Stantec, can you give your impression of the site and if you feel comfortable with this.

Bernard Hamel, Stantec: We looked at the site and there is no other way other than the roadway that is shown and it does minimize the wetlands impact. We did ask for a design for the 100 year storm event. The applicant did comply and showed us drainage calculations. We have not completed our review for the Planning Board but we looked at this in terms of this expansion and what appears to address the 100 year storm event but we have not gotten into the specifics yet.

Tracy Murphy Roche: The Conservation Commission reviewed an updated site plan and were in favor based on revisions dated 7/28/06 and by the engineer on 7/30/06.

Babar Kahn: The facts supporting this application is that this is an appropriate site because it is 5.2 acre and zoned HDR, which is allowed, and approved project is under construction in front parcel. The approved project is for a 12-unit building and the proposed use will construct two 12-unit buildings and have same use.

No factual evidence is found that the property values in the district will decrease due to the incompatible land use because the use proposed is compatible with HDR. You did asked me to get opinion letters from Real Estate experts backing it up and we do have a couple letters backing it up, see file. They talk about the real estate values.

No nuisance or hazard will be created by the proposed use because the use is compatible with HDR Zoning. The Proposed use will provide access, parking, landscaping, snow removal, drainage, and lighting in accordance to the towns requirements. Underground utilities will be extended to the site and the design will be similar to the building constructed on the front part of the parcel.

The Integrity or character of the district will not be impaired because the proposed project is similar and the use will remain residential.

## Public

George Foley, 103 Mammoth Rd: It is my understanding that the detention pond will not be there.

Babar Kahn: It will be there

George Foley: How much water is it going to hold? Is it going to be wet all the time?

Babar Kahn: No it will be dry.

Tracy Murphy Roche: He said that it is 90x16x3 and based on a 100 year storm event.

Babar Kahn: I will explain that. There are three area's that we are holding detention. One is a detention pond and we have two other area's, one is a infiltration detention basin which is 90x16x3 and another one at the end of the road. These two are 90x16x3 and a detention pond which is dry

unless there is a rain event

George Foley: The underground detention that you are talking about, who will maintain them?

Babar Kahn: The Owner of the property will maintain it.

George Foley: There is going to be a lot of sand getting in there.

Babar Kahn: Like I said the only item that will go in this detention basin is the roof runoff.

George Foley: The one down at the end of the driveway?

Babar Kahn: Prior to water getting into it, we are putting a stormceptor which is a device that will remove all the sediments from the water before it goes to that basin.

Tracy Murphy Roche Do they have to be maintained?

Babar Kahn: Yes

Tracy Murphy Roche: Who will maintain them?

Babar Kahn: The owners of the property, the homeowners association, condo association normally maintain this. We prepare an operation and maintenance manual for them telling them what kind of maintenance they need to do and at what time.

Dick Johnston: Whom is that reported to? Who polices that, the code enforcement officer?

Michelle Bonsteel: No, what they do is they maintain the record and if there is an incident then we can request the record and then they of course would be liable for any cleanup associated to the failure.

Babar Kahn: Yes

Michelle Bonsteel: We can certainly make it a condition of approval. We can amend it to include the maintenance of the detention system.

Mike Sorel, 54 Cross Rd: I own a property several properties away and I want the board to know that there are some serious issues with water runoff, especially in the spring time. There is a lot of water that comes off that hill. Misery Hill is still Misery Hill. I would like to bring to the board that we have many detention Basins that don't get maintained and it becomes an eye soar. We need to make sure that regular ongoing maintenance is done. Some of the basins as you know have trees growing out of them because it has been years and the rules and regulations didn't require it. The conditions were not put on the approvals. This is an opportunity to make condition for ongoing maintenance.

Public Closed

Ron Savoie: I'll make a motioned to accept the special exception from Article 18 Section E to allow two 12-Unit buildings that impact the wetlands to a total revised amount of 9767 sq ft, also to include on site detention to be maintained and cleaned by the association or whomever the title holder to the property is at the time.

Tracy Murphy Roche: It should be amended or to include the maintenance of the detention areas in their declaration and also that the condo association to maintain on an annual basis. I would like your guidance on this Michelle.

Michelle Bonsteel: It may need to be more often. Going by last spring you could be out there every week but it is going to be on an as needed basis.

Roger Duhaime: We clean others with our landscape business and it is in a contract that we do it yearly.

Tracy Murphy Roche: This can be done on an annual basis via the declaration and we ask that you maintain it on an annual basis.

David Boutin: The issue is accountability and follow up and there needs to be some way that the town is assured of documents approved by state and used to present to purchasers, and at a minimum should be done prior to certificate of occupancy.

David Boutin: I second the motion.

Michelle Bonsteel: I don't know how much further you can go other than making it a condition of approval that their subject to maintenance of the

underground storage facility and the detention pond on a minimum of annual basis.

Tracy Murphy Roche: We need to make sure the declaration says that they clean on a yearly basis.

Bert Hamel: PB makes approval and records it. Conditions of approval will be on the mylar.

Tracy Murphy Roche: Part of this is that when we make a motion and all that is included in that motion needs to go to Dick Marshall because he is chair and to Bart Mayer. This way everyone knows what the expectation is.

All in Favor, none opposed, motion carries

## **JAMES MURPHY**

**36 Main Street, Map 11 Lot 20**

**Variance from Article 5 Section E1 to add a porch that does not meet the front setback. Variance from Article 26 Section C.3 to enlarge structure over 50% of the existing non-conforming structure.**

The last time I was here, you were asking me for sq footage in the additions that I was speaking about, and I have a stamped survey, see file. Also have a letter from abutter that has been notarized, see file. The first sheet on the areas and sq ft is for second floor, currently it is 808 and proposing to increase 294 sq ft. We are proposing to add to the 1<sup>st</sup> floor main living area 617 sq ft. The 3 season porch on west end of the house is going from 205 sq ft to 180 sq ft. The reason for the reduction is to incorporate part of that porch into main floor area. There is an increase in the rear of the garage of 288 sq f. The third sheet is for the basement, which is 808 sq ft, and we are proposing to add 617 sq ft.

Chris Pearson: Do you have the totals of before and after.

James Murphy: First table gives all the parts of the house and if we include everything we are increasing the house by 49.8%. Taking out garage is 49.5% and as I interpreted the regulations in usable area that would be an increase of 63%.

Tracy Murphy Roche: He is taking the existing porch and is encroaching into set back.

Michelle Bonsteel: It is moving one foot wide by 36 with new construction. There is a total of 24 sq ft additional porch area that will encroach into the setback.

James Murphy: It will be no closer then it already is.

Dick Johnston: You are staying with the line of the house correct?

James Murphy: Yes, there will be no door or steps off the front of the porch.

Ron Savoie: On the foundation diagram, where does the foundation end?

James Murphy: There would only be some piers to support the edge of porch.

Chris Pearson: If you take out basement as usable space then your total increase is 63.9% , if you don't then it is 63.4% of usable space.

James Murphy: Proposed use would not decrease because it would increase the value of residence and surrounding properties. The replacement of the foundation and the construction of the additions would increase the value and therefore would increase the value of the surrounding properties. Granting the variance would be for the benefit to the public interest because the Structure of residence will remain sound and the property lines will not be altered. Setback is non-conforming because it is 11 feet not 35, the house would have to be moved back 24 feet comply. The rubble stone foundation will be replaced and made more sound. The use of the property will remain residential and not be changed however, the quantity of living area will be improved and the basement will become usable area.

Tracy Murphy Roche: When you say usable space in the basement, will you be using it for living space?

James Murphy: No it will be used for storage space only. The demolition of the existing porch and breezeway will allow for the replacement of

foundations . At the rear of the house on the east end, I will construct a 12x12 two story addition on the main house and replace the breezeway with a 12x17single story structure to be part of the main house both of the areas are to have a full basement, reconstruction on both of the porches on the south of the house. I am changing the width from 7 feet to 8 feet and reconstructing the enclosed porch on the east side of the house going from 10.9 feet to 11.2 to 10x16 and adding a 12x24 single story to the rear of the garage.

Ron Savoie: On the porch, you said the proposed porch is only 180 sq ft and the existing is 205.

James Murphy: On the existing porch, part of it will be incorporated into the first floor.

Tracy Murphy Roche: In terms of approval, when you start construction are you going to finish it within a certain time frame?

James Murphy: I want to get it done within a year. Right now my contractors are on hold. Assuming I can get people lined up I would like to get started before the weather gets bad. We have to get the house jacked up and get the foundation underneath it and get it framed before November. At that point, the interior work will be done and come spring the exterior will be done.

Tracy Murphy Roche: You see a lot of people who start and never finish what happens with that?

Michelle Bonsteel: Enforcement is an issue because we don't have the manpower. The permit is good for one year but you must start within 6 months. Weather is a factor as far as contractors.

Tracy Murphy Roche: Are you doing the work yourself?

James Murphy: I will be doing a lot of it myself but I have a contractor that will be helping me.

Open to public:

None

Closed to public

Chris Pearson: Motion to grant variance to Article 26 C3 to enlarge the structure over 50% of the existing non-conforming structure. The applicant made a good case and the neighborhood is excited to get it done and he will be better off when it is done. Ron Savoie Second the motion

All in favor, none opposed, motion carries

Chris Pearson: I will also make a motion to grant the Variance from Article 5, E.1 to add a porch that does not meet the front setback. The roofline will be better even with the expansion on one side. The porch is really tiny and the expansion will make for more usable space and a nicer space.

Ron Savoie second the motion.

All if Favor, none opposed, motion carries.

## **MICHELLE GAGNON**

**71 Whitehall Road, Map 26 Lot 114-1**

**Special Exception from Article 26 Section C4 to add a 17x20 family room onto a legally non-conforming use.**

Continued until 09/12/06 by applicant

## **BROX INDUSTRIES**

**1500 Hooksett Rd, Map 18 Lot 7**

**Excavation Permit Revision**

George Hall: We postponed the hearing to have a site visit and so that the Conservation Commission would be notified. We did have a site visit

two weeks ago and three members of the board were present and one member of the Conservation Commission there. There were no wetlands impacts and there were no concerns. We are not near any wetlands.

Ron Savoie: I went on the site walk, they run a good operation, neat and clean, where they propose to go is to line up with Lehoux Drive which would give better access. They still have another 20 years of ledge work and is very clean. They have taken dust control into consideration and it seemed to be working well.

Chris Pearson: I second what Ron Savoie said.

Michelle Bonsteel: There is nothing about the Conservation Commission having to notified us. It just says that we notify them.

Roger Duhaime: There is no storm water that leaves area. There is no way the water can get out of there.

Open to public

Abutters

Closed to public

Letter from Gilford Railroad doesn't give direction either way, see file.

Ron Savoie Motioned to approval revisions to excavation, Roger Duhaime second motion, All approved, Motion Carries

## **HOOKSETT DEVELOPMENT**

Thames Road, Map 14 Lots 14-58 & 34

Special Exception from Article 18 Section E, which impacts 15,710 sq ft of wetlands to build Granite Heights South.

Continued to 09/12/06 by applicant

## **NEW PUBLIC HEARING**

### **MTS ASSOCIATES**

West River Road Map 17 Lot 37

Variance from Article 19 Section 8.D to allow a sales & service facility in the Groundwater Resource Conservation District.

Atty. Panciocco: First I will give you a little background information and then explain the two different applications.

MTS Associates, LLC is a retailer and marketer of new and used golf cart and fork lifts, located in Bow, NH on Route 3A. There is also a complementary service on some of vehicles they sell. It currently has a 50% market share of the products that it sells. The demand is growing. It is growing primarily in the electric golf carts. Presently 2/3 of the products that MTS sells to the public is gas powered and 1/3 is electric. The top twenty markets for these golf carts are campground, golf courses, university's and other facilities that serve numbers of the public and have to provide transportation to groups of people and people that can't walk great distances.

The reason is MTS here tonight, is MTS is outgrowing 1400 sq ft building in town of Bow. It is seeking to expand the retail operation of golf carts and sales to the public. Initially this application came to me as a variance requests, on behalf of the engineer, they sought some assistants from our firm in laying out the analysis. What happened is the more I could get into research into the definition of the research where it says that automobile repairs. What is prohibited is automotive service repair shops, gas stations, filling stations, motor vehicle dispensing stations for pumps and any container of gasoline greater then 150 gallons.

When I began to research what the golf cart retail sales involved, it became clear that it didn't belong in this category. That is why we have an

administrative appeal because we have taken the decision, rather boldly that we are distinctly different from automotive repair. We don't store large quantities of gasoline and petroleum products and great measures have been taken to control and fluid runoff associated with the operation. This is an 11.5 acre site on West River Rd/Cross Rd. Good location for supplier such as this, and a good opportunity in this area to display more vehicles which would all be displayed on an impervious surfaces located in Commercial Zone where a use such as this is permitted. The ground water resource protection district and the provision found in that note 8 being cast into that definition precludes this operations placement in this location. This would be otherwise permitted. The applicant is seeking to utilize half of the parcel for this operation and subdivide off the other lot. One is approximately 5.5 acres and the other is approximately 6 acres. When this issue first arose, there was a preliminary meeting with staff, and this provision whether it fell under this definition was raised. In conduction my research, not only do we feel it isn't similar to automobile, federally it doesn't fit into the requirements. They are classified as low speed vehicle by government. They travel less then 20-25 MPH. They don't have containment and fuel storage in them like an automobile. Many are powered by electric. The other reason we fell it doesn't apply, when we did a little research into the recent amendment that was in 2003 of this ordinance it seems as though there is confusion and there was an amendment, included in application, and we feel that the intent was to exclude an operation with large quantities of petroleum on site. The applicant keeps a minimal amount on site only incase a golf cart is brought in with no gas. Maintenance is done and contained and the oil in burned in a used oil burner which is regulated and encouraged by NH DES. There will not be any removal of any kind of petroleum products on site. In addition to that any washing of golf carts, wastewater is contained in a certain device. We have the professional here and can explain it more in detail to the board. It is evaporated and what is not hazardous can be removed from the site. That is the only time you would see anything being removed from the site. Based on the variety of things pointed out to the board, we feel it doesn't meet the description of Article 19 D.8. This is not something that you particularly in every town and I spoke to the Code Enforcement Officer and if I was her I could understand why she said ok this applies.

Michelle Bonsteel: That would be wonderful if that was how it happened but that is not how it happened. There was a TRC with regard to this application. The issue was raised based on the lawsuit that the Town of Hooksett, and we just got the decision the other day on the Cumberland Farms application. It was a result of that lawsuit that we did have to change the amendment to the zoning code with regard to service stations etc. within the groundwater district. When the applicant came to the TRC, I would have to say this is a very different application then what we saw. We saw 3 buildings and now we are only seeing one which isn't necessarily a bad thing but this is an entirely a different application. Getting back to the Administrative Decision during the TRC I raised the issue that the owner of the business said to me that under DOT that these vehicles don't fall under the definition of a motor vehicle .I requested that the applicant provide us with the definition of what specifies what is a motor vehicle and what isn't. That was the instruction that was given to the applicant at that time. They need to research and provide that information so that I could make a decision and an interpretation of this code.

Bert has also prepared for you an analysis of the site. I am not in anyway shape or form prejudice one way or the other about this application. It is not a personal decision. When I interpret the code, I have to interpret it in the best way possible to preserve this town.

Whether or not they need a variance or not, depends on the boards decision whether or not my interpretation that this is an automotive use is correct or not based on the intention of the code. They have that right to get the interpretation of the code and ask did the Code enforcement official interpret it the way it should be interpreted. As far as this application is concerned, that is what it relates to. If you decide that this use is not an automotive use then the second part goes away.

David Boutin: The reason I ask to look at this in 2 steps, I don't think that there is a question about the decision that Code Enforcement made because the applicant failed to provide in a timely manner what we asked for. It would appear to me that article 19 8D does not apply, we should vote on this. There is confusion that needs to be cleared up. I believe that this application does not need to be before this board.

Tracy Murphy Roche: I find the whole thing uncomfortable and there needs to be more time spent before we go through this.

Chris Pearson: If a sales and service goes into this area for golf carts which is set up to service vehicles, are we doing it any sort of injustice if at some point that area gets changed into any sort of other garage and they leave and another service area goes in there, what happens with that.

David Boutin: In my mind in reading the ordinance, golf carts do not qualify as a vehicle. Having heard the application now and at the TRC level, we have information in terms of gasoline, diesel fuel, motor oil that will be on site. The amount of gas on site is clearly not facility designed to repair automobiles as repair garages. I think this is something that doesn't need to be reviewed and needs to go to the Planning Board not here.

Tracy Murphy Roche: What about fork lifts, do they use the same gas?

Atty. Panciocco: There is less than 100 forklifts sold by MTS and they are powered by propane and three are no petroleum products.

Roger Duhaime: I worked at MTS when I was younger. I am very familiar to Yamaha golf carts and they do have gear oil in the rear ends, they run on two-cycle oil, they have gasoline in them and they have batteries. They are very similar to automobiles if you ask me they are similar. They are not dirty like motor vehicles because they but don't run at a high speed and it is a total different vehicle, and is a gray area that needs to be looked at. If we can put restrictions on the application then that would be the way to go.

Tracy Murphy Roche:

My other concern is that this is the first time Michelle Bonsteel has seen this plan. It is not what it was when you went to TRC, is that correct?

There were a bunch of different buildings.

Michelle Bonsteel: There were three buildings instead of one. The entrance was at the center of the site rather than the area closer to 93.

Tracy Murphy Roche: Again, I think that this application needs more time and more detail than what has been presented to us.

Michelle Bonsteel: One of the biggest concerns that we had during TRC was that there would be 1000 of these parked on site awaiting maintenance and not on paved areas which Dick Marshall did say if it was a motor vehicle it goes on pavement. If it can drop fluid, it goes on pavement.

What are we dealing with here; I know we are dealing with energy concerns etc. The owner did volunteer to get guidelines on the federal government as to the perception of a motor vehicle. HK Power Sports, what are they, and if they wanted to build a bigger facility on West River Road, what would we do with it? Owens Marine, they are boats, they are not vehicles, and it isn't a gas station. Where do we decide on where we are going to draw the line on a local level as oppose to the Federal Government or the state. We have to consider it for down the road.

Atty. Panciocco: Mark Vansen has more information to explain to the board. I think we have a lot of information to give to the board as to the different devices at this facility that if the board saw fit they could certainly condition that those be installed.

Ron Savoie: The state says that an unregistered vehicle on a highway has to be registered; a golf cart is in the same league. DOT says that if it is on the highway and it is traveling in the right of way it has to be registered. That is their description. It doesn't say that it needs four wheels.

Dick Johnston: Will it be limited to just golf carts?

Atty. Panciocco: Primarily the vehicles sold by MTS are golf carts. There is a smaller number of utility vehicles that are similar and fall within the same category but they do not run on the public roads therefore they are not registered vehicles. There are a small number of fork lifts sold by MTS, but is minor.

Tracy Murphy Roche: Moving from Bow to Hooksett, is this a larger site?

Atty. Panciocco: He has 14,000 sq ft building now and will have a 20,000 sq ft building here. He needs a larger building for display and the goal is to increase the retail sales, which are going because they are being used in a variety of different location and different uses other than on the golf course.

Tracy Murphy Roche: You keep mentioning golf carts, but what about more sales of forklifts? With an increased area, will there be more sales of forklifts?

David McCurdy: The main business for us is golf carts; a small portion is forklift. There is a possibility that I might have some increased sales.



Dick Johnson: What if we limit to just golf carts? There could be motorcycles and other things here we need to limit this.

David McCurdy: The primary business is golf carts, utility vehicles which are golf carts and forklifts. I used to sell area lifts but that is not a part of the business anymore.

Dick Johnston: Could a utility vehicle be a tractor?

David McCurdy: No I don't consider it a utility vehicle

David Boutin: None of these carts or lifts will be on a public way. Article 8 is clear and says automotive, (see Art 8) This doesn't fit into this category.

Ron Savoie: Dave is making a point but it says any large quantities storage of gasoline put 1000 golf carts with 5 gallon tanks and there is a lot of gas.

Atty. Panciocco: I would like to point out to the board you could have a car dealer in this location that is not prescribed in this ordinance, if he didn't have repair and service associated with automobile and an automobile typically has 15-20 gallons of gasoline and a huge potential of exposure there. This is quite different.

Michelle Bonsteel: Memo from Bert says 10 gallons of gasoline would be stored. It is 2 five-gallon containers.

Atty. Panciocco:

The point we are trying to make is a golf cart is different from car or truck and there is not a lot of gas being stored. Would the board be willing to let Mark Mark Vansen explain some of the different aspects of this.

Tracy Murphy Roche: We need to get through the administrative decision first.

Mark Vansen: I would like to clarify something real brief on the different plans

Tracy Murphy Roche: Didn't we just address this? We will wait on that and get through the administrative part.

Michelle Bonsteel: I think that this has had a recent amendment and it needs further clarification. It is way to ambiguous, town has to decide that this is a groundwater protection area, the town is going to have to decide at what point specifically what they want to prohibit from the area and if there is a large parking facility to support a large retail establishment, there is all these precautions taken into account in terms of grease traps etc. We did that with exit 10 and Wal-Mart and Lowes. Needs to be flushed out in specifics. You don't want 1000 used cars parked up on West River Road either.

Chris Pearson: Who makes that decision? What is the time frame for it to be made?

Michelle Bonsteel: We would have to develop it. It goes to the town voters and to warrant article. The amendments would have to go to public hearing and then warrant in the spring. The whole thing really needs to be tightened up, what precautions need to be taken in any use.

Larry Abruzzesa: You provide a definition of federal is there one for state for motor vehicle?

Atty. Panciocco: No we couldn't find one.

Bert Hamel: We couldn't find one either.

Ron Savoie: Ask your local DOT guy he will tell you

Atty. Panciocco: Isn't that based on speed?

Ron Savoie: No, if it is running on the public right of way it is suppose to be registered. I might be wrong but I think when a golf course straddles a right of way, they have to get permission from DOT to let them cross from one side to the other.

Michelle Bonsteel:

When we had TRC, my first encounter of golf carts that were used other then golf was in Laconia and they were used to go down to the water.

Tracy Murphy Roche: We need more information and a better understanding.

I would like to continue this to next month

Atty. Panciocco: I would like the board to clarify what they are looking for to get you the information. I have searched and there isn't anything out there. The question before the board is whether it falls in what is listed is not allowed.

Tracy Murphy Roche: I am looking for a better understanding on all aspects.

Atty. Panciocco: As to the whole application? We would be happy to table this and move on to the Variance application and share that information.

Tracy Murphy Roche: I want to continue entire application so we can read through this stuff we were handed tonight.

Chris Pearson: I agree, we should read through this information considering that this is a different plan that the TRC hasn't looked at.

Michelle Bonsteel: I agree, with the previous lawsuit, we should have Bart Mayer look at this

Ron Savoie: Are we sure that this is in the Ground Water Protection District?

Michelle Bonsteel: We are going by our groundwater overlay.

Ron Savoie: Did anyone prove that it isn't in the groundwater

Michelle Bonsteel: Joann Duffy went over this with the applicant and showed cases that there were to prove this was in

Tracy Murphy Roche: I motion to continue this entire application until 9/12 and would like something from Bart Mayer.

Atty. Panciocco: Can we have our people talk about it, that we brought with us today? Can we have them present their information?

Tracy Murphy Roche: There is a motion on the floor. There wasn't a second, motioned dies. I am not comfortable with the application. Do we want to hear the rest of the application?

Chris Pearson: I would like to hear it.

Tracy Murphy Roche: Then we will hear the rest of the application

Mark Vansen: As an evolution from the first plan that we reviewed with code enforcement, Charles and TRC. It did have potential of an office plan and another building. The first one was a master plan and this is the same thing but some changes with reaction of the TRC input. We got feedback so we changed the plan according to the feedback. It is proposed as paved, it was originally gravel. That is the difference. It is the same thing. We with the owner and a few other experts tried to put together a program with significant measures of protections and containment. One of the aspects of that is we are not hanging a hat on any one thing; there is simply one ingredient in the whole package. What is unique and proposed here in terms on the application is that there is 2 technologies, concrete contain, slab floor. Should anything in the service part of the building get out into the vehicle onto the floor it is collectable, containable, and in Dave's operation he has Individuals trained in OSHA type training and hazmat training by qualified people. The 2<sup>nd</sup>

thing is oil changes in vehicles; a quart comes out of a golf cart as oppose to an automobile and put into a unique furnace so waste oil, number two oil, type of a combination furnace that has a tank above grade on a slab and seasonable is burned off. DES encourages it; they don't want that stuff trucked off the site. The furnace is clean burning and it doesn't leave the building. In terms of quantity, there might be 1000 gallons a year or less which is less then what he would burn for fuel. The other aspect is washing of golf cart, he uses a pressure washer with soap, most of it is mud and leaves from golf courses. It is washed down put into a containment vessel that leads into evaporation unit. Nothing happens outside the building, no wash water in the yard, it is all contained and a reasonably expensive system. It is environmentally sound and takes containment measures. We did understand their request for that information and understood wrongly to bring that kind of information to Zoning, which is what we did.

Michelle Bonsteel: The only thing that concerns me is that you are bringing in a different application that has not been reviewed by staff for the other zoning requirements, lot area, lot coverage, street buffers, etc The town engineer has not looked at it. We have not looked at it as zoning compliance in terms of area.

Mark Vansen: This is less then the previous one

Michelle Bonsteel: This is the issue we can't get staff comments after it has gone to TRC and have been changed. This is going to have a septic system as well?

Mark Vansen: Yes, town water, and septic

Michelle Bonsteel: Where is it in the property?

Mark Vansen: It has not been decided yet.

Larry Abruzzesa: Should they go back to TRC?

Michelle Bonsteel: The point of a TRC is to save the applicant time not waste time.

Tracy Murphy Roche: Michelle just said that the application here tonight is not what was at TRC so it defeated the purpose.

Mark Vansen, It technically is.

David McCurdy: Isn't the reason we changed it is because of the TRC.

Mark Vansen: Absolutely, we changed the paving as Dick mentioned, we changed the building orientation which Charles mentioned to us, all TRC types of things.

Atty. Panciocco: We are looking to become complaint with zoning that is why we are here. We are looking to see if we fall under zoning or if we need to seek a variance . We fully expect that the town's consultant to review anything and we will have to comply with the concerns that they have. We are here to deal with the zoning ordinance is why we are here.

Tracy Murphy Roche: We fully expect that you are going to go to TRC with the plan that you are going to the board with so that we can get input from the people that we rely on like our engineer and our code enforcement officer and that is what our expectation is.

Atty. Panciocco: That is something that follows once you comply with zoning.

Roger Duhaime: Did you go to State DES for this?

Atty. Panciocco: There is no DES required. I did bring DES information for you

Tracy Murphy Roche: We have seen the presentation from the engineer and we need to see more before we go into a full blown hearing.

Atty. Panciocco: Can you be specific, what would you like us to bring in.

Tracy Murphy Roche: You need to go back to TRC and they will guide you on what you need to bring to us.

Michelle Bonsteel: At the very least, they need to meet with Dale, Charles and myself.

Tracy Murphy Roche: Motion to continues to 9/12, and input form Bart, Michelle, and Bert Hamel

Ron Savoie: Second the motion, all in favor none opposed.

## **STEVE KORZYNIOWSKI**

329 West River Road Map 13 Lot 50

Special Exception from Article 26 Section C.4 to add a 3 season porch and a 20x20 addition

Steve Korzyniowski: I am here to present a plan to put addition on my home. I do have a copy for the record.

David Boutin: My issue is that there are no dimensions, no set backs, no building dimensions. How am I suppose to decide what is what.

Tracy Murphy Roche Do you have a certified plot plan?

Steve Korzyniowski: This is a certified plot plan.

David Boutin: Is that a certified plot plan and you superimposed the additions

Steve Korzyniowski:

No the plot plan is to scale and all work is within all setbacks of the property. What you see is the existing structure and I have drawn in what I am

proposing.

David Boutin: The question is when this plan is drawn, what was it drawn for? Was it a plot plan for a bank?

Steve Korzyniowski: It was a subdivision done before.

David Boutin: So this was submitted for a subdivision and the lot to the right is your lot. So when you came in to subdivide, were the buildings on the plan at that time?

When this went to the Planning Board, were the buildings on the plan at that time? I don't think it meets the standard.

Steve Korzyniowski: Yes, this was done to build a house.

Tracy Murphy Roche: It doesn't

Dick Johnston: He has to come back anyway

Michelle Bonsteel: It is a use variance not an area variance. It is a non conforming use

Steve Korzyniowski: The reason I am here is because it is commercial property and I want to add an addition that I am using as a residential residence and I want to put a single 3 season porch on my house and I was told I have to come here because of the use.

Michelle Bonsteel: Because it is less the 50% of the existing area

Steve Korzyniowski: I use it as a residence and it is in a commercial zone.

Dick Johnston: So he meets everything he needs.

Michelle Bonsteel: Yes he does, more than enough.

Ron Savoie: When was that plan rezoned?

Mike Sorel: 1989 master plan, voted in 1990. The town was rezoned then and all of 3A got changed.

David Boutin: I can't tell from this plan what he is enlarging.

Steve Korzyniowski: I included in the cover letter what I am adding on.

Tracy Murphy Roche: You are talking about putting on a sunroom.

Steve Korzyniowski: I have also given a description on the cover letter to show the increase. It is currently 2137 sq ft. The three season porch is 229sq ft which is about 10%. The existing area of the garage is 819 sq ft and I am adding 400 sq ft.

Tracy Murphy Roche: Go through application tonight and then we will schedule the site walk.

Steve Korzyniowski: It has always been residential; there haven't been any improvements in a long time. The porch and garage will be up to code and make it look nicer. All of the surrounding properties are residential and the neighbors will like to see it. The garage which is now 40 feet will be 60 feet and will be about 2 feet higher in the back. It will be resided.

All of the properties are residential homes in the neighborhood. It is hard to see from the road and neighbors due to trees and the river. It is hidden behind the trees and the neighbor on the north is completely behind the house.

It would improve the current structure as a residential home.

Open to the public, None, Closed

Site walk scheduled for August 15<sup>th</sup> at 6:00 PM.

REVIEW OF CORRESPONDENCE

APPROVAL OF MINUTES OF – July 11, 2006

**D. Johnston motioned to approve the July 11, 2006 minutes as submitted. Seconded by D. Boutin**

**Voted unanimously in the affirmative.**

ADJOURN

T. Murphy-Roche declared the meeting adjourned.

Respectfully submitted,

Jessica Skorupski